
THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

ALAN EDUARDO CHAVARIN,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

ORDER TO SUBMIT EVIDENCE

Case No. 2:20-cv-00605-DBB

District Judge David Barlow

This matter is before the court on Petitioner Alan Eduardo Chavarin's Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence (Motion).¹ Having reviewed the briefing and relevant law, the court ORDERS Petitioner and Respondent to submit the evidence they would otherwise present under oath at an evidentiary hearing to address the following topics:

1. Chavarin's assertion that "pleading guilty was never discussed with Chavarin," counsel "did not convey any plea offers," "there was at no time any discussion of a plea," and "the issue of a 'plea bargain' was never brought up to Chavarin";²
2. Chavarin's assertion that counsel visited Chavarin "only once for about 20–30 minutes" and the inference that this was the only direct communication between Chavarin and his counsel;³

¹ ECF No. 1, filed August 28, 2020.

² See, e.g. Motion at 20, 26.

³ *Id.* at 19.

3. Chavarin's assertion that counsel informed Chavarin "that for both trial and [a] guilty plea, Chavarin would be given the same ten (10) years' maximum sentence."⁴

The parties are directed to not address any issues other than the three identified in this order. The parties may submit evidence in the form of a sworn affidavit or an unsworn declaration under penalty of perjury. The parties' submissions of evidence are to be filed with the court no later than forty-five (45) days from the date of this order.

Signed June 25, 2021.

BY THE COURT



David Barlow
United States District Judge

⁴ *Id.* at 19–20.